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2 THE HONORABLE MARSHA J. PECHMAN
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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE WESTERN DISTRICT OF WASHINGTON
7 SEATTLE DIVISION

8 REC SOFTWARE USA, INC., a Virginia
9 corporation

Case No. 14-cv-01025-MJP

10 Plaintiff,

11 JOINT STATUS REPORT

v.

12 HTC AMERICA, INC., a Washington
13 corporation

14 Defendant.

15 Pursuant to the Court's minutes entry of October 14, 2014 (*see* Dkt. #21), the parties
16 submit this joint status report memorializing the following issues discussed at the status
17 conference held October 9, 2014.

18 Periodic judicial conference. The parties agree to conduct periodic conferences with the
19 Court every 90 days. The parties will propose a date for the first such conference when the
20 parties submit a case schedule on November 14, 2014.

21 Proposed system for consolidated filings. The parties agree that the eleven cases filed by
22 Plaintiff in this District bearing Case numbers 2:14-cv-1025-MJP, 2:14-cv-1047-MJP, 2:14-cv-
23 1048-MJP, 2:14-cv-1050-MJP, 2:14-cv-1051-MJP, 2:14-cv-1053-MJP, 2:14-cv-01056-MJP,
24 2:14-cv-01058-MJP, 2:14-cv-1059-MJP, 2:14-cv-1060-MJP, 2:14-cv-1062-MJP, may be
25 consolidated for discovery purposes, which will allow filings in a single case. Per Local Civil

1 Rule 42(a), the parties will file a stipulated motion in the earliest-filed case no later than
 2 November 14, 2014.

3 Unified filing practice. The parties disagree with respect to the scope of any unified filing
 4 practice.

5 Using the optional procedure established in LCR 37(a)(2) for motions related to
 6 discovery, the defendants agree to consent to this District's unified filing practice for purposes of
 7 discovery motions. Although the defendants maintain that it would be prohibitively inefficient to
 8 use this practice designed for discovery motions for more complex case filings, such as claim
 9 construction briefing or dispositive motions, the defendants agree and intend to work with
 10 Plaintiff in good faith to identify any additional motions and filings that could be made subject to
 11 the unified filing process (e.g., after Plaintiff serves its infringement contentions and the
 12 defendants are able to determine what features/functionalities are accused of infringement).
 13 Defendants have every intention of coordinating filings with each other wherever possible, for
 14 example by filing joint briefs or motions when appropriate.

15 Plaintiff believes that judicial efficiency is best served by implementing a coordinated,
 16 unified filing practice pursuant to which the defendants would confer amongst themselves prior
 17 to filing any motion and file a single joint motion with respect to all common issues. For
 18 example, to the extent that any defendant intended to file a motion for summary judgment with
 19 respect to the validity of the asserted patent, then only one unified, joint motion and
 20 memorandum would be filed as to all defendants in all of the above-referenced cases. Such a
 21 practice would clarify the issues in dispute and minimize the burden on the Court. Accordingly,
 22 plaintiff agrees to a coordinated, unified filing practice that would extend beyond discovery
 23 motions to require defendants to coordinate their efforts and submit a single, unified, joint
 24 motion and memorandum with respect to any common issue—including any motions by
 25 defendants that would address the same pleading, procedural matter (e.g., claim construction), or
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1 legal or factual issue—with limited supplemental memoranda permissible, if necessary, to
2 address issues that may be unique to a particular defendant. Plaintiff does not believe that the
3 optional expedited joint discovery motion procedure provided for in LCR 37(a)(2) is an
4 appropriate procedure or model to be adopted with respect to any coordinated, unified filing
5 practice in the instant cases.

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7 DATED this 23rd day of October, 2014.

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STOLL STOLL BERNE LOKTING
& SHLACHTER P.C.

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